

REMARKS

This is in response to the Office Action mailed September 10, 2008, in which all of the pending claims (1-3, 5-10, 12-19, 21-26, 28-33, 35-40 and 42-44) were rejected. With this amendment, claims 1, 8, 17, 24, 31 and 38 are amended, and claims 1-3, 5-10, 12-19, 21-26, 28-33, 35-40 and 42-44 are presented for reconsideration and allowance.

Rejections under 35 U.S.C. § 102(b)

In the Office Action, claims 1-3, 5, 8-10, 12, 17-19, 21, 24-26, 28, 31-33, 35, 38-40 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Huebsch et al. (U.S. Pat. No. 5,853,422). Independent claims 1, 8, 17, 24, 31 and 38 are amended to further distinguish the present invention over the cited art.

In the Office Action, particular components of Huebsch '422 are cited as meeting the language of the presently claimed invention. Specifically, distal end 216 is cited as being a "floating center", device 200 is cited as begin a "right occluding body", locking pin 236 is cited as being a "grasping knob", and hinge points 225 are cited as being "puller arms". While the reading of Huebsch '422 put forth by the Office Action is respectfully traversed, the terminology used in the Office Action in describing Huebsch '422 is adopted to illustrate that the amended claims are not met.

Amended independent claims 1, 8, 17, 24, 31 and 18 now describe the location of the floating center as being external to the right occluding body (or right fixation device or right support frame or right sheet), and the location of the grasping knob as being located at (or on) the right end of the occlusion device. In contrast, the device disclosed by Huebsch '422 shows "floating center" 216 located within "right occluding body" 200 and "grasping knob" 236 located at a left end of "floating center" 216. (Huebsch '422, FIG 16).

Furthermore, the device of Huebsch '422 fails to meet the element of "the floating center is positioned adjacent the center post when the right occluding body is in its radially open state, and is movable away to the right from the center post by force applied to the grasping knob

in a direction to the right to cause the puller arms to radially collapse the right occluding body”. In Huebsch ‘422, Figures 14 and 16 show the device in a radially collapsed state (i.e. minimum radial dimension) and Figure 17 shows the device in a radially open state (i.e. maximum radial dimension). As such, there is no mechanism shown in Huebsch ‘422 for applying force to “grasping knob” 236 in a direction to the right to cause “puller arms” 225 to radially collapse “right occluding body” 200 (i.e. cause device to go from radially expanded state shown in Figure 17 to radially collapsed state shown in Figures 14 and 16).

Since Huebsch ‘422 does not disclose, teach, or suggest every element of independent claims 1, 8, 17, 24, 31 and 38, these claims are novel and allowable over this reference. Claims 2-3, 5-7, 9-10, 12-16, 18-19, 21-23, 25-26, 28-30, 32-33, 35-37, 39-40 and 42-44 are also allowable over Huebsch ‘422 because they depend from claim 1, 8, 17, 24, 31 or 38. Rejection of these claims under 35 U.S.C. § 102(b) should be withdrawn and notice to that effect is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43 and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch ‘422 in view of Forber et al. (U.S. Pat. No. 5,733,294). As detailed above, Huebsch ‘422 does not disclose, teach, or suggest every element of the presently claimed invention. Since Forber ‘294 fails to provide the missing elements, claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43 and 44 are allowable over a combination of these references. Rejection of these claims under 35 U.S.C. § 103(a) should be withdrawn and notice to that effect is respectfully requested.

In the Office Action, claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch ‘422 in view of Marks (U.S. Pat. No. 5,108,420). As detailed above, Huebsch ‘422 does not disclose, teach, or suggest every element of the presently claimed invention. Since Marks ‘420 fails to teach the missing elements, claims 15-16 are allowable over a

combination of these references. Rejection of these claims under 35 U.S.C. § 103(a) should be withdrawn and notice to that effect is respectfully requested.

CONCLUSION

In view of the foregoing, all of the pending claims (1-3, 5-10, 12-19, 21-26, 28-33, 35-40 and 42-44) are believed to be in a condition for allowance. Notice to that effect is respectfully requested.

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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